

**Bombay Provincial Municipal Corporations (Amendment)
And The City Of Nagpur Corporation (Repeal) Act, 2011**

23 of 2012

[21 August 2012]

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**Bombay Provincial Municipal Corporations (Amendment)
And The City Of Nagpur Corporation (Repeal) Act, 2011**

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PREAMBLE

An Act further to amend the Bombay Provincial Municipal Corporations Act, 1949 and to repeal the City of Nagpur Corporation Act, 1948.

WHEREAS it is expedient further to amend the Bombay Provincial Municipal Corporations Act, 1949 and to repeal the City of Nagpur

Corporation Act, 1948, for the purposes hereinafter appearing; it is hereby enacted in the Sixty-second Year of the Republic of India as follows :--

CHAPTER 1 PRELIMINARY

1. Short Title And Commencement :-

(1) This Act may be called the Bombay Provincial Municipal Corporations (Amendment) and the City of Nagpur Corporation (Repeal) Act, 2011.

(2) It shall come into force on such date as the State Government may, by notification in-the Official Gazette, appoint.

CHAPTER2 AMENDMENTS TO THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS ACT, 1949

2. Amendment Of Long Title Of Bom. Lix Of 1949 :-

In the long title of the Bombay Provincial Municipal Corporations Act, 1949 (hereinafter referred to as "the Municipal Corporations Act"), for the words "for certain larger urban areas" the words "for all larger urban areas except that of Brihan Mumbai" shall be substituted.

3. Amendment Of Preamble Of Bom. Lix Of 1949 :-

In preamble of the Municipal Corporations Act, for the words "for certain larger urban areas" the words "for all larger urban areas except that of Brihan Mumbai" shall be substituted.

4. Amendment Of Section 1 Of Bom. Lix Of 1949 :-

In section 1 of the Municipal Corporations Act, in sub-section (1), for the words and figures "Bombay Provincial Municipal Corporations Act, 1949" the words "Maharashtra Municipal Corporations Act" shall be substituted.

5. Amendment Of Section 2 Of Bom. Lix Of 1949 :-

In section 2 of the Municipal Corporations Act, in clause (8), for the words "forming a City," the words, brackets and figures "forming a City, and in respect of the City of Nagpur means, the area comprised in the City of Nagpur on the date of commencement of the Bombay Provincial Municipal Corporations (Amendment) and

the City of Nagpur Corporation (Repeal) Act, 2011" shall be substituted.

6. Amendment Of Section 3 Of Bom. Lix Of 1949 :-

In section 3 of the Municipal Corporations Act, after sub-section (1), the following sub-section shall be inserted, namely:--

"(1A) The Corporation of the City of Nagpur incorporated under the City of Nagpur Corporation Act, 1948 for the larger urban area specified in the notification issued in this respect under clause (2) of article 243-Q of the Constitution of India shall, on and from the date of coming into force of the Bombay Provincial Municipal Corporations (Amendment) and the City of Nagpur Corporation (Repeal) Act, 2011, be deemed to have been constituted under this Act and accordingly the provisions of this Act shall apply to the area of the City of Nagpur."

CHAPTER 3 REPEAL OF THE CITY OF NAGPUR CORPORATION ACT, 1948

7. Repeal Of C.P. And Berar Ii Of 1950 :-

The City of Nagpur Corporation Act, 1948 (hereinafter referred to as "the Nagpur Corporation Act"), is hereby repealed.

CHAPTER 4 MISCELLANEOUS

8. Savings :-

Notwithstanding repeal of the Nagpur Corporation Act,--

(a) all rules and by-laws made, all appointments made, notifications and orders issued and licenses and permissions granted under the Nagpur Corporation Act, shall, until altered, repealed or amended, continue to be in force;

(b) all contracts and agreements entered into or executed and all things engaged to be done, by or with the Corporation of the City of Nagpur incorporated under the Nagpur Corporation Act shall be deemed to have been entered into, executed or engaged to be done by or with the said Corporation deemed to have been constituted under the Maharashtra Municipal Corporations Act;

(c) all properties, funds and other assets vested in and all rights and liabilities of the Corporation of the City of Nagpur incorporated under the Nagpur Corporation Act, shall vest in and devolve on the said Corporation deemed to have been constituted under the

Maharashtra Municipal Corporations Act;

(d) all rents, taxes and sums of money due to the Corporation of the City of Nagpur incorporated under the Nagpur Corporation Act shall be due to the said Corporation deemed to have been constituted under sub-section (1A) of section 3 of the Maharashtra Municipal Corporations Act;

(e) all suits or other legal proceedings, civil or criminal, instituted or which might, but for the commencement of this Act, have been instituted by or against the Corporation of the City of Nagpur incorporated under the Nagpur Corporation Act or against the Commissioner thereof, may be continued or instituted, save as otherwise provided, by or against the said Corporation deemed to have been constituted under the Maharashtra Municipal Corporations Act or, as the case may be, the Commissioner thereof;

(f) any reference in any enactment or the rules for the time being in force, to the City of Nagpur Corporation Act, 1948 or, as the case may be, to the City of Nagpur Corporation, shall, from the date of commencement of this Act, be construed as reference to the Maharashtra Municipal Corporations Act and the City of Nagpur Corporation deemed to have been constituted under the Maharashtra Municipal Corporations Act;

(g) all the Councillors of the Corporation of the City of Nagpur incorporated under the Nagpur Corporation Act, shall continue to be such Councillors for the remainder of their term of office as councillors of the City of Nagpur Corporation deemed to have been constituted under the Maharashtra Municipal Corporations Act.

9. Power To Remove Difficulty :-

(1) If any difficulty arises, in giving effect to the provisions of the Municipal Corporations Act, as amended by this Act, the State Government may, as occasion arises, by an order published in the Official Gazette, do anything not inconsistent with the provisions of the said Act which appears to it to be necessary or expedient for the purpose of removing the difficulty:

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.